

GUARDIANSHIP ASSISTANCE PROGRAM (GAP)

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MDHHS CHILDREN'S SERVICES AGENCY

FEDERAL PERMANENCY GOALS

- Reunification
- Adoption
- Guardianship
- Permanent Placement with a Fit and Willing Relative (PPFWR)
- Another Planned Permanent Living Arrangement (APPLA)

GUARDIANSHIP ASSISTANCE PROGRAM (GAP)

Guardianship Assistance Program - Program that provides financial support to guardians on behalf of a child.

Michigan's Legal Requirements

- 2008 PA 260
- 2009 PA 15

Federal Legal Requirements

- Public Law No: 110-351 -"Fostering Connections to Success and Increasing Adoptions Act

GUARDIANSHIP ASSISTANCE PROGRAM (GAP)

- Program that provides financial assistance to juvenile guardians in support of eligible children.
- The purpose of GAP is to provide financial support to ensure permanency for children who may otherwise remain in foster care until reaching the age of majority.
- In order to be eligible for GAP, the child must be in licensed foster care and meet either title IV-E or state funded GAP requirements.
- Program eligibility must be certified by MDHHS and a GAP Agreement must be signed by the guardian and the MDHHS designee before the court's appointment of the guardian.

GUARDIANSHIP ASSISTANCE PROGRAM DATA

- Guardianship Assistance Program began in Fiscal Year 2010.
- 1,678 total applications.
- 1,276 approved applications.
- 81 denied applications.
 - May have subsequently re-applied and may have been approved.
- 253 withdrawn applications.

GUARDIANSHIP ASSISTANCE PROGRAM ELIGIBILITY

A child is eligible for the GAP if all of the following requirements are met:

1. The child was removed from his/her home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child.
2. The prospective guardian is a licensed foster parent.
3. The child has resided in the home of the prospective guardian for at least six consecutive months prior to the application for a GAP eligibility determination:
 - Title IV-E funded eligibility = relative and child is eligible for IV-E foster care payments and the child has resided in the licensed relative home for 6 consecutive months after licensure.
 - State funded eligibility = relative or foster parent, child isn't eligible for IV-E foster care payments and the child has resided in the home for 6 consecutive months but doesn't require the 6 months to be after licensure.

GUARDIANSHIP ASSISTANCE PROGRAM ELIGIBILITY (CONT'D)

4. Reunification and adoption have been ruled out as appropriate permanency options for the child by MDHHS/PAFC and the Court.
5. The child is strongly attached to the prospective guardian, and the guardian has a strong commitment to caring permanently for the child.
6. The child, aged 14 and older, has been consulted about and is in agreement with the guardianship arrangement.

GUARDIANSHIP ASSISTANCE AGREEMENTS

- MDHHS subsidy office will assess and either approve or deny the request for GAP within 30 calendar days of receiving a complete application.
- A GAP agreement must be signed by both the prospective guardian(s) and the MDHHS designee prior to the court's appointment of the guardian and is effective on the date of the guardian's appointment by the court.
- If the GAP agreement is not signed by all parties before the date of the court's appointment of the guardian, the child will not be eligible for GAP.

GUARDIANSHIP ASSISTANCE PROGRAM EXTENSION

- Youth who enter into a GAP agreement at ages 16-17 may be eligible for an extension of GAP until his/her 21st birthday, if the youth satisfies all of the eligibility requirements:
 - The original guardianship order must remain in effect.
 - The youth had a guardianship assistance agreement effective up until his/her 18th birthday.
 - Youth is actively completing high school or program leading to a GED, OR enrolled at least part-time in a college, university, vocational program or trade school, OR employed at least part-time or participating in a program that promotes employment, OR incapable of the above educational or employment activities due to a documented medical condition.

FREQUENTLY ASKED QUESTIONS

- **What is meant by the term “permanent”?**
 - Permanent means until the child reaches the age of majority (18).
- **Can a court still order guardianship if a case is not eligible for the guardianship assistance program?**
 - Yes, a court can order guardianship with or without application/eligibility to the guardianship assistance program.
- **What are some reasons a case is denied eligibility for the Guardianship Assistance Program?**
 - Reunification and/or adoption haven't been ruled out.
 - Guardianship is not viewed as permanent.
 - Pending termination hearing.
 - Prospective guardian(s) want to adopt the child.
 - Prospective guardian is not a licensed foster home.
 - Child hasn't resided with the guardian to meet eligibility time frame.

Nonrecurring Expenses

Nonrecurring expenses are reasonable and necessary fees and expenses directly related to the process of obtaining a juvenile guardianship such as travel, lodging, medical expenses, court fees, evaluations and licensing assessments.

In order to qualify for nonrecurring expenses reimbursement, the following must occur:

- A Guardianship Assistance Agreement is in effect when the court appoints the guardian.

Eligible expenses must be claimed within two years of the date of the guardianship order.

Note: Maximum lifetime allowable amount is \$2,000 per child.

Other Financial Benefits

Once appointed, the guardian should apply to be the payee for children who are eligible for:

- Supplemental Security Income (SSI): The Social Security Administration will determine the child's continued SSI eligibility and amount.
- Retirements, Survivors, Disability Insurance (RSDI) or Veteran's Administration benefits.

Additional Services for Older Youth

Youth in Transition (YIT) funding is available for an eligible youth age 18 to 21 who was in foster care on or after his/her 14th birthday and placed in GAP at age 16 or older. This funding is for expenses not covered by other resources. Examples include but are not limited to housing, health care, education and employment expenses. For more information go to <http://www.michigan.gov/fyit>.

Education and Training Voucher (ETV) - Provides up to \$4,000 per year based on available funding to cover school- or vocational-related expenses for any youth who meets all of the following:

- Was in foster care on or after his/her 14th birthday.
- Guardianship order was dated on or after his/her 16th birthday.
- Has a high school diploma or its equivalent.
- Is attending an accredited school at least half-time.

For questions contact (887) 660-METV(6388)

Guardianship Options Without Assistance

Juvenile Guardianship Without Assistance – The guardian has all the rights for the child as a guardian who receives assistance. When the child is a temporary or permanent court ward and the prospective guardian is not requesting juvenile guardianship assistance, the worker is not required to receive DHS subsidy office approval prior to the court appointing a juvenile guardian. When the child is an MCI ward, the worker must request consent from the MCI superintendent on all MCI cases.

EPIC (Estates & Protected Individuals Code)

Guardianships – The guardian is appointed by the probate court. The court may order an investigation of the proposed guardianship.

JUVENILE GUARDIANSHIP ASSISTANCE PROGRAM



Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.

Juvenile Guardianship Assistance Program

Guardianship Assistance Program Eligibility

All of the following eligibility requirements must be met:

- The child's removal from his/her home was a result of a court determination that continuing in the home would be contrary to the child's welfare.
- Reunification and/or adoption have been ruled out as appropriate permanency options for the child.
- The child has been consulted about the guardianship arrangement, if he/she is age 14 years or older, and is in agreement.
- The child is strongly attached to the guardian and the guardian has a strong commitment to caring permanently for the child.
- The guardian must be a licensed foster parent.
- The child must live in the licensed guardian's home for at least six months prior to requesting guardianship assistance.
- There must be current criminal and Central Registry background checks of the guardian and all adults living in the home.
- Foster care licensing of the guardian's home.
- After a guardian is appointed:
 - The foster care case closes.
 - The court conducts annual reviews.
 - The guardian must obtain court approval to change a child's home to another state.

The guardian will have the following powers for the child:

- Make educational decisions.
- Decision making that is the same as a birth or adoptive parent.
- Obtain medical treatment.
- Determine the child's residence.
- Responsible for the daily activities of the child.

GUARDIANSHIP ASSISTANCE PROGRAM (GAP)

GAP provides financial support to ensure a permanent home for children who may otherwise remain in foster care until reaching the age of majority. A guardianship assistance agreement must be signed by both the prospective guardian and the Department of Human Services (DHS) representative before the court appoints the guardian. The agreement is effective on the date of the guardian's appointment by the court.

The assistance may be extended from age 18 to 21, if the youth enters the guardianship on or after his/her 16th birthday and meets the eligibility requirement for an extension. In these instances, an application will be sent to the guardian 90 days prior to the child's 18th birthday.

Medicaid

Children who qualify for Title IV-E-funded guardianship assistance are categorically eligible for Medicaid. DHS determines eligibility for Medicaid for state-funded guardianship assistance. If eligible, Medicaid will continue while the guardianship assistance agreement is in effect.

Medical Subsidy

A child may be eligible for Juvenile Guardianship Medical Subsidy if all of the following apply:

- The child is approved for the Guardianship Assistance Program.
- The child is under the age of 18.
- The expenses are necessary due to a physical, mental or emotional condition that existed or the cause of which existed prior to the guardianship order.
- The physical, mental or emotional condition is certified by the DHS subsidy office.
- DHS and the guardian have entered into a Juvenile Guardianship Medical Subsidy Agreement.
- Medical subsidy applications may be submitted either before or after the appointment of the guardian and may be approved up until the child's 18th birthday. Applications can be obtained from DHS, a private foster care agency or on the DHS website, www.michigan.gov/dhs.
- Note: Guardianships that are in place prior to the signing of a Guardianship Assistance Agreement are not eligible for the Guardianship Assistance Program.
- GAP eligibility exists until one of the following occurs:
 - The guardianship ends due to the youth's age requirements.
 - The child is emancipated by court order, marriage or military service.
 - The child or guardian dies.
 - The child is adopted.
- Guardianship is revoked or terminated by the court.
- The child is no longer being supported by the guardian.
- The guardian requests that the payment be stopped.

Juvenile Guardianship Assistance Program (GAP)

Michigan law allows the court to order a juvenile guardianship in a child protective proceeding as an “alternative placement plan.” An alternative placement plan may be considered at a permanency planning hearing only after the court determines not to return the child home or order DHS to initiate termination of parental rights. The guardian’s appointment may be made pre- or post-termination of parental rights. [MCL 712a.19a and MCL 712a.19c]

Guardianship Assistance Act [MCL 772.871-881]

The Guardianship Assistance Act allows DHS to implement the Guardianship Assistance Program (GAP), which provides funding to juvenile guardians in support of eligible children and is similar to the adoption subsidy program for adoptive parents. Under the guidelines of the statute, DHS is **solely** responsible for determining GAP eligibility. The court cannot order DHS to provide GAP assistance in a juvenile guardianship case. To be eligible for GAP assistance, DHS must determine that reunification or placing the child for adoption are not appropriate permanency options.

Following the statutory framework of MCL 722.873 and MCL 722.875a, the DHS Central Office reviews the case service plan for the required documentation that establishes the eligibility criteria have been met. For more information, refer to DHS Child Guardianship Manual (GDM) 715.

A child is eligible for guardianship assistance if **all** of the following conditions are met:

- The child was removed from his/her home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child.
- The guardian must be a licensed foster parent and the child has resided in the home of the prospective guardian for at least six consecutive months before filing an application for guardianship assistance.
- Reunification and/or adoption have been ruled out as appropriate permanency options for the child.
- The child has been consulted about the guardianship arrangement if he/she is age 14 years or more.
- The child is strongly attached to the prospective guardian and the guardian has a strong commitment to caring permanently for the child.

For more information, please contact Casey Anbender at AnbenderC@courts.mi.gov, or (517) 373-5234.

GAP FACTS

- The court may order the juvenile guardianship regardless of GAP assistance. Before finalizing the guardianship, the court should consider the guardian’s financial needs and the possibility that the guardian may not be interested in pursuing the guardianship without GAP assistance.
- DHS does not consider the child’s placement with a relative, in and of itself, a determination that adoption is not an appropriate permanency option. If a court orders a juvenile guardianship instead of the initiation of termination of parental rights proceedings only because a child is placed with a relative, DHS may not provide GAP assistance to the guardian.
- Juvenile guardianships are meant to provide a permanent home for the child. If the facts in the record demonstrate that the guardian may only intend the arrangement to be temporary, DHS may not provide GAP assistance to the guardian.

